

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Herman VAN MELLAERT et al.) Group Art Unit: 1638
Application No.: 09/661,016)
Filed: September 13, 2000)
For: RECOMBINANT PLANT EXPRESSING)
NON-COMPETITIVELY BINDING Bt)
INSECTICIDAL CRYSTAL PROTEINS)

DECLARATION PURSUANT TO
37 C.F.R. §§1.821-1.825

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

I, Malcolm K. McGowan, declare as follows:

1. That the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same in compliance with §1.821(f).
2. That the submission, filed in accordance with 37 C.F.R. §1.821(g) [or (h)], herein does not include new matter [or go beyond the disclosure in the international application].

Declaration for Sequence Listing Submission
Application No. 09/661,016
Attorney's Docket No. 021565-078
Page 2

3. That the substitute copy of the computer readable form, submitted in accordance with 37 C.F.R. §1.825(d), is identical to that originally filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

14 July 2003

Date

Malcolm K. McGowan

Malcolm K. McGowan, Ph.D.
Registration No. 39,300